Traffic Code Amendments

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions related to the exchange of insurance information, lighting requirements for slow moving vehicles, aftermarket modifications to large vehicles, and non-transparent material on rear side windows.

Highlighted Provisions:

This bill:

- requires the operator of vehicle to provide insurance provider information to persons involved in an accident;
- repeals certain tail lamp and head lamp exceptions for motor vehicles operated at 20 miles per hour or less;
- applies aftermarket limitations to adjustments to frame height, wheelbase, and bumper height to all vehicles not just vehicles with a gross vehicle weight rating of 15,000 pounds or less;
- clarifies that rear side windows may have non-transparent material on them; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

List of sections affected:

AMENDS:

41-6-31

41-6-138

41-6-148.29

41-6-148.33

41-6-149

ENACTS:

REPEALS:

Statutory text:

Part 4

1. Should we require the exchange of insurance information after an accident?

41-6-31. Accident involving injury, death, or property damage -- Duties of operator, occupant, and owner.

(1) The operator of a vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property, if the vehicle or other property is operated, occupied, or attended by any person or if the owner of the vehicle or property is present, shall:

(a) give to the persons involved :

(i) [~~his~~] the operator's name, address, and the registration number of the vehicle [~~he is operating~~] being operated ; and

(ii) the name of the insurance provider covering the vehicle being operated including the phone number of the agent or provider;

(b) upon request and if available, exhibit his operator's license to:

(i) any investigating peace officer present;

(ii) the person struck;

(iii) the operator, occupant of, or person attending the vehicle or other property damaged in the accident; and

(iv) the owner of property damaged in the accident, if present; and

(c) render to any person injured in the collision reasonable assistance, including the transporting, or the making of arrangements for the transporting, of the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the transporting is requested by the injured

person.

(2) The operator of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of $1,000 or more shall immediately and by the quickest means of communication available give notice of the accident to the nearest office of a law enforcement agency.

(3) If the operator of a vehicle is physically incapable of giving an immediate notice of an accident as required in Subsections (1) and (2) and there is another occupant in the vehicle at the time of the accident capable of giving an immediate notice, the occupant shall give or cause to be given the notice required of the operator under this section.

(4) If the operator is physically incapable of making a report in a manner specified by the division of an accident when required under Section 41-6-35 and he is not the owner of the vehicle, then the owner of the vehicle involved in the accident shall within 15 days after becoming aware of the accident make the report required of the operator under this section.

Part 16

2. Should Section 41-6-138 be repealed? Is this exception needed? -- UHP says it is already covered so it should repealed. This section allows a motor vehicle operated on a highway, during hours of darkness, and traveling under 20 miles per hour to have less than standard lighting. The primary exception is for tail lights, i.e. all other motor vehicles "shall be equipped with at least two tail lamps and two or more red reflectors mounted on the rear." For head lamps the exception is more subtle, i.e. all other motor vehicles "shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle..."

41-6-138. Requirements for slow-moving vehicles.

~~[Any motor vehicle may be operated under the conditions specified in Section 41-6-118 when equipped with two lighted lamps upon the front thereof capable of revealing persons and vehicles 100 feet ahead provided, however, that at no time shall it be operated at a speed in excess of 20 miles per hour.]~~

3. Should we remove the weight rating under old sections 41-6-148.28 and 41-6-148.33? These sections provide limitations for aftermarket adjustments to frame height, wheelbase, and bumper height, and for replacement parts being used for the purpose for which they were manufactured.

41-6-148.29. Vehicles subject to Sections 41-6-148.29 through 41-6-148.33 -- Definitions.

(1) Sections 41-6-148.29 through 41-6-148.33 apply to all motor vehicles [~~with an original manufacturer's gross vehicle weight rating of 15,000 pounds or less~~] operated or parked on a highway within the state.

(2) As used in Sections 41-6-148.29 through 41-6-148.33:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.

(c) "Frame height" means the vertical distance between the ground and the lowest point on the frame. The distance is measured when the vehicle is unladen and on a level surface.

(d) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally installed by the original manufacturer.

(e) "Manufacturer" means any person engaged in manufacturing or assembling new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in current applicable Federal Motor Vehicle Safety Standards (FMVSS).

(f) "Mechanical alteration" or "mechanical lift" means modification or alteration of the axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any load, which affects the frame height of the motor vehicle.

(g) "O.E.M." means original equipment manufacturer.

(h) "Original equipment" means an item of motor vehicle equipment, including tires, which were installed in or on a motor vehicle or available as an option for the particular vehicle from the original manufacturer at the time of its delivery to the first purchaser.

(i) "Wheel track" means the shortest distance between the center of the tire treads on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used for all calculations.

(3) The provisions of Sections 41-6-148.29 through 41-6-148.33 do not apply to the following vehicles:

(a) implements of husbandry;

(b) farm tractors;

(c) road machinery;

(d) road rollers; and

(e) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.

41-6-148.33. Bumpers.

(1) Every motor vehicle shall be equipped with a bumper on both front and rear of the vehicle, except those that were not originally designed or manufactured with a bumper or bumpers.

(2) (a) On all motor vehicles [~~under 15,000 GVWR,~~] required to have bumpers under Subsection (1), bumpers shall be:

(i) at least 4.5 inches in vertical height;

(ii) centered on the vehicle's center line; and

(iii) extend no less than the width of the respective wheel track distance.

(b) Bumpers shall be securely mounted, horizontal load bearing, and attached to the vehicle's frame to effectively transfer impact when engaged.

(3) When any motor vehicle is originally or later equipped with bumpers, the bumpers shall be maintained in operational condition and shall comply with this section.

4. Under Section 41-6-149, posters and other non-transparent material are allowed on rear windows. Front side windows must allow at least 43% light transmittance. No mention is made for rear side windows behind the driver. -- should this be clarified to be the same as rear windows?

41-6-149. Windshields and windows -- Tinting -- Obstructions reducing visibility -- Wipers -- Prohibitions.

(1) Except as provided in Subsections (2) and (3), a person may not operate a motor vehicle with:

(a) a windshield that allows less than 70% light transmittance;

(b) a front side window that allows less than 43% light transmittance;

(c) any windshield or window that is composed of, covered by, or treated with any material or component that presents a metallic or mirrored appearance; or

(d) any sign, poster, or other nontransparent material on the windshield, sidewings, or front side windows of the motor vehicle except:

(i) a certificate or other paper required to be so displayed by law; or

(ii) the vehicle's identification number displayed or etched in accordance with rules made by the department.

(2) Nontransparent materials may be used:

(a) along the top edge of the windshield if the materials do not extend downward more than four inches from the top edge of the windshield or beyond the AS-1 line whichever is lowest;

(b) in the lower left-hand corner of the windshield provided they do not extend more than three inches to the right of the left edge or more than four inches above the bottom edge of the windshield; or

(c) on the rear windows including rear side windows located behind the vehicle operator.

(3) A windshield or other window is considered to comply with the requirements of Subsection (1) if the windshield or other window meets the federal statutes and regulations for motor vehicle window composition, covering, light transmittance, and treatment.

(4) Except for material used on the windshield in compliance with Subsections (2)(a) and (b), a motor vehicle with tinting or nontransparent material on any window shall be equipped with rear-view mirrors mounted on the left side and on the right side of the motor vehicle to reflect to the driver a view of the highway to the rear of the motor vehicle.

(5) (a) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield. The device shall be constructed to be operated by the driver.

(b) Every windshield wiper on a motor vehicle shall be maintained in good working order.

(6) (a) A person may not have for sale, sell, offer for sale, install, cover, or treat a windshield or window in violation of this section.

(b) A person who violates this section is guilty of a class C misdemeanor.

(7) Notwithstanding this section, any person subject to the federal Motor Vehicle Safety Standards, including motor vehicle manufacturers, distributors, dealers, importers, and repair businesses, shall comply with the federal standards on motor vehicle window tinting.